

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|  |   |                                      |
|--|---|--------------------------------------|
| JOHN R. GLASSCOCK,                         | : | Case No. 1:15-cv-454                 |
|  | : |                                      |
| Plaintiff,                                 | : | Judge Timothy S. Black               |
|  | : | Magistrate Judge Stephanie K. Bowman |
| vs.  | : |                                      |
|  | : |                                      |
| VILLAGE OF MT. ORAB, OHIO, <i>et al.</i> , | : |                                      |
|  | : |                                      |
| Defendants.                                | : |                                      |

**DECISION AND ENTRY  
ADOPTING THE REPORT AND RECOMMENDATIONS (Doc. 20)  
OF THE UNITED STATES MAGISTRATE JUDGE**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on March 4, 2016, submitted a Report and Recommendations (“R&R”). (Doc. 5). No objections were filed.<sup>1</sup>

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such R&R should be and is hereby **ADOPTED** in its entirety.

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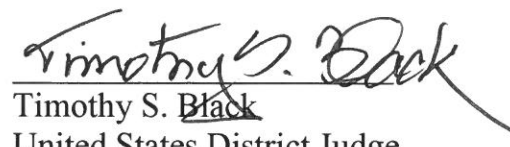
<sup>1</sup> Plaintiff moved for an extension of time to file objections. (See Doc. 21). The Court granted Plaintiff’s motion, and ordered him to file his objections on or before April 11, 2016. (See March 21, 2016 Notation Order).

Accordingly, for the foregoing reasons:

1. The Brown County Defendants' motion to dismiss (Doc. 11) is **GRANTED** based upon a lack of jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1). Alternatively, the Brown County Defendants' motion is **GRANTED** under Federal Rule of Civil Procedure 12(b)(6) because Plaintiff has failed to state any cognizable federal claim against the Brown County Defendants in either their official or individual capacities;
2. Pursuant to the preceding paragraph, all claims against the following Defendants are **DISMISSED**: Brown County, Ohio; Brown County Municipal Court Magistrate Dexter Baskin [Bastin]; Brown County Municipal Court Judge Joseph Worley; Assistant Brown County Prosecutor Nicholas Owens; Brown County and/or Brown County Municipal Court; Brown County Prosecutor Jessica Little; County Commissioner Toney Applegate; Commissioner Barry Woodruff; and Commissioner Daryll Gray;
3. In addition to dismissal of the Brown County Defendants, for the reasons identified above, all claims against the Mt. Orab Defendants—except for Defendants Officers Baker and Gregory—are **DISMISSED** *sua sponte* in both their individual and official capacities. Specifically, all claims are dismissed against the following Defendants: Village of Mt. Orab, Ohio; Mt. Orab Chief of Police Bryon Mount; Mt. Orab Mayor Bruce Lunsford; Councilman David Brenner; Councilman Daniel Reed; Councilman William Whittington; Councilman Fred Hanson; Councilman Herman Scott; Councilman Joseph Howser; Chief Financial Officer Michael Boyd, Village Solicitor Richard Goettke; and Mt. Orab Magistrate Cecilia Potts;
4. All claims against Defendant Amber Mason likewise are **DISMISSED** for lack of jurisdiction, failure to state a claim, and failure to effect timely service; and
5. All claims against Mt. Orab Officers Baker and Gregory in their official capacities are **DISMISSED** pursuant to the *Apple v. Glenn* standard. Under the same standard, all claims against the two officers in their individual capacities are **DISMISSED**, except for the Plaintiff's "causes of action" numbered 3, 5–10 and 13–14.

**IT IS SO ORDERED.**

Date: 4/20/16

  
Timothy S. Black  
United States District Judge